



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	COUNCIL ON REAL ESTATE APPRAISERS
MEETING DATE AND TIME:	Tuesday, November 17, 2009 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , second floor of the Cannon Building
MINUTES APPROVED:	January 19, 2010

Members Present

Stephen Huston, Professional Member, Chairperson
Brad Levering, Professional Member
William Diveley, Professional Member
Ronald Mandato, Professional Member
Gary V. Parker, Professional Member
Arthur Cahall, Public Member
Linda Carter, Public Member
Selena Zook, Public Member
Frank Long, Public Member

Division Staff/Deputy Attorney General

Catherine Hickey, Deputy Attorney General
Patricia Murphy, Deputy Attorney General
Nicole Williams, Administrative Specialist II
Renee' Holt, Administrative Specialist II
Kay Warren, Deputy Director, Division of Professional Regulation

Members Absent

No Members were absent

Others Present

Barbara Gadbois, Deputy Attorney General (Prosecutor)
Mark Sloan
Jeannie Parrott
Darrell Baker, Attorney
Lorena Hartnett, Wilcox & Fetzer

Charles Witt
Rafael Delgado

Call to Order

Mr. Huston called the meeting to order at 9:39 a.m.

Mr. Huston introduced Ms. Selena Zook, the new public member, and Ms. Patricia Murphy, the new Deputy Attorney General and welcomed them. Mr. Huston thanked Ms. Hickey for her service to the Council and expressed his regret at her leaving, and wished her well in her new position.

Election of Vice Chair

Mr. Huston called for nominations. Mr. Mandato made a motion to nominate Mr. Brad Levering as Vice Chair. Mr. Cahall seconded the motion. The motion was carried unanimously. Mr. Huston congratulated Mr. Levering.

Hearings

Mark D. Sloan at 9:40 a.m. - Discipline – Attending: Mr. Cahall, Mr. Mandato, Mr. Levering, Mr. Huston, Mr. Diveley, Mr. Parker, Mr. Long, Ms. Carter, Ms. Zook, Ms. Hickey, Ms. Murphy, Ms. Holt and Ms. Williams.

The Council went on the record at 9:40 a.m. for the hearing in the matter of the disciplinary hearing of Mr. Mark Sloan. Verbatim testimony was taken by the court reporter. The Council members introduced themselves for the record. Ms. Hickey corrected the notice cited Title 19 and should be Title 24 DE Code. Ms. Hickey read the complaint against Mr. Sloan into the record. Ms. Hickey verified with Mr. Sloan that he waived his right to be represented by counsel.

Ms. Gadbois requested that State's Exhibit 1 be entered into the record and distributed to the Council. Ms. Hickey did not object and State's Exhibit 1 was entered into the record.

The Council heard the evidence and testimony from Ms. Gadbois and Mr. Sloan. After further questions from the Council, Ms. Gadbois made closing remarks. The State renews request the Council issue a letter of reprimand as appropriate discipline. Mr. Sloan's closing remarks were to clarify items in State's Exhibit 1. Council began deliberations at 10:08 a.m. Mr. Huston reminded the Council pursuant to recent rule changes that discipline actions result in the licensee being not authorized to supervise trainees for a period of three years.

The Council came back on the record at 10:13 a.m. Mr. Parker made a motion to issue a letter of reprimand with full disclosure of the incident and a fine of \$500. Mr. Cahall seconded the motion. The motion was unanimously carried.

Jeannie Parrott at 10:18 a.m. – Proposal to Deny – Attending: Mr. Cahall, Mr. Mandato, Mr. Levering, Mr. Huston, Mr. Diveley, Mr. Parker, Mr. Long, Ms. Carter, Ms. Zook, Ms. Hickey, Ms. Murphy, Ms. Holt and Ms. Williams.

The Council went on the record at 10:18 a.m. for the hearing in the matter of the renewal application of Ms. Jeannie Parrott. Verbatim testimony was taken by the court reporter. The Council members introduced themselves for the record.

Ms. Hickey stated the reason for the hearing and had documents marked as Council Exhibit 1 and entered into the record. Ms. Hickey verified with Ms. Parrott that she is being represented by counsel. Ms. Hickey requested counsel introduce himself. Mr. Darryl Baker introduced himself.

Ms. Hickey opened the hearing for counsel opening remarks. The Council heard testimony and discussed questions regarding the case.

The Council went off the record for deliberations at 10:31 a.m. The Council went back on the record at 10:34

Mr. Mandato made a motion to renew Ms. Parrott's Delaware License, seconded by Mr. Diveley. The motion was unanimously carried.

The hearing proceedings concluded at 10:35 a.m.

Review and Approval of Minutes

The Council reviewed the minutes from October 20, 2009. Mr. Long made a motion, seconded by Mr. Parker to approve the meeting minutes as submitted. The motion was unanimously carried.

Unfinished Business

David G. May - Acceptance of Consent Agreement – The Council reviewed the proposed consent agreement entered into by the State and Mr. May. Ms. Hickey advised the Council they could review the agreement and accept or reject the agreement. Ms. Hickey advised the Council not approve the consent agreement if they wish to consult with Mr. May. Mr. Mandato made a motion to reject the consent agreement and schedule Mr. May for a hearing. The motion was seconded by Mr. Levering. The motion was unanimously carried.

Review of Work Samples

Doria K. Milsom- Ms. Hickey reviewed the matter and advised the Council the issue is with the preparation of the work sample and not the work sample itself. Ms. Hickey advised the submission met the requirements for the applicant based on the current statute. Mr. Huston advised he reviewed the documents and the issue is two separate issues. Mr. Huston determined the submission meets the requirements for the applicant and accepts the work sample.

The Council discussed the concern regarding the preparation of the document and determined the preparation of the document is a separate issue. Mr. Parker explained to the public members the details of the USPAP guidelines and jurisdictional exceptions.

Mr. Parker suggested the Council change the Rules and Regulations to be more specific and reflect guidelines as stated in the USPAP manual.

Mr. Huston recognized Mr. Witt. Mr. Witt clarified that Delaware was out of compliance with current federal regulations. With the recent law change, Delaware complied with the federal requirement by randomly selecting reports on the applicant's log to review.

Ms. Hickey advised the Council will need to change the regulations to make clarify the regulation and address the issues the Council wants to clarify. Ms. Hickey suggested the Council create a subcommittee to accomplish this task.

After further discussion, Mr. Levering made a motion that the contribution has not been met by the reports submitted and the Council should not accepted the reports as they do not meet the requirements of the Delaware statute. The motion was not seconded. The Council discussed the motion, and Mr. Mandato disagreed with the motion. Mr. Mandato made a motion that the applicant be approved with the samples approved as presented. The motion was seconded by Mr. Diveley. The Council proceeded with further discussion. Mr. Levering challenged Mr. Diveley's second to the motion. Ms. Hickey advised Mr. Diveley that he has the personal choice to recuse himself from the motion. Mr. Parker clarified that Ms. Hickey has given a legal opinion and advised the Council. Mr. Huston supports the submission as the Rules and Regulations stand. Mr. Levering opposed the motion. The motion carried by majority vote.

Carlo G. Batts- Mr. Parker reviewed the reports and recommended the application be approved. Mr. Cahall seconded the motion. The motion was unanimously carried. Ms. Williams reported Mr. Batts passed the exam. Mr. Cahall made a motion to approve Mr. Batts for licensure. Mr. Long seconded the motion and the motion was unanimously carried.

Mr. Huston requested the Sub Committee selection to the January meeting for revisions to the rules and regulations.

Review of Renewal – Patrick J. Shea

Ms. Hickey described the issue regarding Mr. Shay's renewal and self-reporting of administrative penalty. The penalty occurred from Delaware and Council has already taken action. Mr. Levering made a motion, seconded by Mr. Cahall to approve the renewal. The motion was unanimously carried.

Status of Complaints

19-04-09 – Mr. Huston advised the Council that the complaint has been closed.

Review of Correspondence regarding Case #19-08-07 – Ms. Hickey summarized the reason for the correspondence. Mr. Benton has until November 19, 2009 to appeal the order of the Council from a previous sanction. Ms. Hickey advised the Council must determine if they will approve the temporary application. Mr. Huston called for discussion. Mr. Long made a motion to approve Mr. Benton's application for a temporary permit, seconded by Mr. Diveley. The motion was unanimously carried.

New Business

Statute Changes

Market value vs. loan value – Mr. Huston tabled the discussion until January when Mr. Loomis can be in attendance.

Proposed change regarding CMA-BPO – Mr. Huston provided draft language prepared by Mr. Witt, Mr. Loomis, and Mr. Huston in response to changes made by Real Estate Commission. The proposed changes made by the Real Estate Commission were in response to letters sent by the Council regarding concerns. Ms. Hickey explained that the issue stand as

Real Estate Agents and Brokers are trying to expand abilities, which proposes conflicts with the responsibilities of licensed appraisers exclusively. Ms. Hickey clarified for the public members why the Real Estate Commission is seeking the proposed statutory amendment. The Council reviewed the proposed legislative changes by the Real Estate Commission. Mr. Huston recommended number three (3) be stricken from the proposed amendments. Mr. Cahall left the meeting at 11:51 am. After discussion, Mr. Parker made a motion, seconded by Mr. Diveley to have the language drafted by Mr. Witt, Mr. Loomis, and Mr. Huston submitted to the Real Estate Commission. The motion was unanimously carried.

Review of Certified Residential Real Property Appraiser Applications - Ratification

Ms. Williams advised the Council that the Board office issued licenses for Rodney Lyden, Thomas Adkins, and Mark Kilcourse as Certified Residential Real Property Appraisers.

Review of Appraiser Trainee Applications

Ms. Williams advised the Council that the Board office issued an Appraiser Trainee license to Denise Orsini.

Review of Continuing Education Activities

Ms. Williams advised the Council that the Board office approved continuing education applications for Commercial Real Estate School of Tristate Realtors Commercial Alliance, Delaware Association of Appraisers, McKissock, Appraisal Institute, WorldWide ERC, and Loomis Appraisal School.

Ratification of Approved Applications

Mr. Diveley made a motion, seconded by Mr. Long to approve the ratification of those licenses issued for Certified Residential, Appraiser Trainee and continuing education above.

Review of Temp Applications (for discussion only)

Ms. Williams advised the Council of the temp applications issued. No further discussion was needed.

Complaint Assignments

Ms. Williams advised the Council that complaint 19-03-09 on the agenda is a typo and should read 19-13-09. Complaint 19-13-09 was assigned to Mr. Parker and complaint 19-14-09 was assigned to Mr. Mandato.

Renewal

Mark Sloan – Ms. Hickey advised the Council as to the discipline reported in conjunction with Mr. Sloan's renewal application. Ms. Hickey advised the Council, Mr. Sloan can waive his 20 day notice and proceed to hear Mr. Sloan's testimony regarding the reported discipline which resulted in the Council proposal to deny the renewal application at this meeting.

Mr. Sloan requested to waive his 20 day notice and have the matter heard before the Council at this meeting. The Council agreed to hear the case at this meeting.

Attending: Mr. Mandato, Mr. Levering, Mr. Huston, Mr. Diveley, Mr. Parker, Mr. Long, Ms. Carter, Ms. Zook, Ms. Hickey, Ms. Murphy, Ms. Holt and Ms. Williams.

Ms. Holt started the digital recorder to provide a permanent record in lieu of a court reporter. Ms. Hickey entered documents to the record as Council's Exhibit 1. The Council members

introduced themselves for the record. Ms. Hickey verified with Mr. Sloan that he waived his right to be represented by counsel.

Mr. Sloan responded to questions from the Council and Ms. Hickey. The Council recessed the hearing at 12:27 p.m. The Council resumed the hearing at 12:34 p.m.

Ms. Hickey read the final page of the Maryland Consent Agreement into the record to supplement the provided exhibits.

Mr. Sloan continued responding to questions from the Council. The Council went off the record at 12:36 p.m. for deliberations.

The Council went back on the record at 12:43: p.m. Mr. Levering made a motion to renew the license and waived the disqualification with the provision that a letter of reprimand is issued and a civil penalty of \$500.00 is imposed. Mr. Parker seconded the motion. The motion unanimously carried.

The hearing concluded at 12:46 p.m.

Mr. J. Daniel Nolan – Ms. Williams advised the Council of details of Mr. Nolan's reporting. Ms. Hickey recommended the Council table this agenda item until the determination from Virginia has been received. This will be added to the January agenda.

Wayne Kersey – Ms. Holt advised the Council the details of Mr. Kersey's request for a hardship extension due to the timing of when his approval to test and the amount of time needed to gain experience hours will end at the end of this 2009 year. Ms. Hickey advised the Council that according to the Statue, which adopts the rules and regulations of the AQB, that Mr. Kersey can indeed gain up to 50% of appraisal experience non-traditionally by gaining experience through AQB creditable courses. Ms. Holt clarified to the Council that Mr. Kersey's request is that the Council grant him a hardship extension to complete his continuing education for renewal of his trainee license. A motion was made by Mr. Diveley to grant 6 months extension for Mr. Kersey to complete his CE requirement for renewal of his trainee license, seconded by Mr. Parker. The motion was unanimously carried.

Other Business before the Council (for discussion only)

Mr. Parker advised the Council that he would like meeting documents disseminated to the Council prior to the meetings for review.

Public Comment

Rafael Delgado commented that he is a member of the DE Association of Appraisers and is offering free admission for the public members for two of their upcoming courses, which are the DE law course and the 7 hour USPAP Update course.

Next Meeting

The next meeting is scheduled for February 16, 2010 at 9:30 a.m. in Conference Room A, second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

There being no further business before the Council the meeting adjourned at 1:27 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Nicole M. Williams". The signature is written in a cursive, flowing style.

Nicole M. Williams
Administrative Specialist II